

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA**

<b>WILLIE JAMES CLEMMONS, JR.</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CASE NO.-2:08-CV-243-WHA</b>
<b>v.</b>	)	
	)	
<b>SHERIFF HERBIE JOHNSON, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**SPECIAL REPORT**

Comes now the Defendant, Paula Moates, by and through counsel of record, Wayne P. Turner, and respectfully submits this special report.

**Documents**

Affidavit of Paula Moates.

**Allegations**

1. Plaintiff Clemmons alleges that on or about March 22, 2008, he was taken to the nurses station where Nurse Paula gave him his third inmate intake exam since being incarcerated at the Autauga County Jail.

2. Plaintiff Clemmons alleges that he told nurse Paula to look at his medical file and she would see that he had already had two intake exams and that she ignored his comment and proceeded with the third exam.

3. Plaintiff Clemmons alleges that nurse Paula then told Plaintiff to go out into the hallway with the rest of the inmates and she called Defendant Matthews into her office.

4. Plaintiff Clemmons alleges that nurse Paula ordered Defendant Matthews to put

Plaintiff Clemmons in a lock down cell with two other inmates and he was made to strip naked because he was being put on suicide watch.

### **Defenses**

5. Defendant Moates answers the Plaintiff's specific allegations as follows:

- a. Defendant admits that on March 22, 2008 she conducted an intake examination on the Plaintiff. The medical record indicates that no previous such exam had been conducted and, therefore, the allegation that such exam was the third conducted is denied.
- b. Defendant Moates denies that she ignored the Plaintiff's request that she look at his medical file to see that he had already had two intake medical exams.
- c. Defendant Moates admits that, after talking to the Plaintiff, she conferred with corrections officer Mathews.
- d. Defendant Moates admits that she requested the correction officers to place the Plaintiff on suicide watch because the Plaintiff told her three times during the examination that he intended to kill himself.
- e. All other specific allegations not admitted are denied.

6. Defendant Moates assert the following affirmative defenses:

- a. This Defendant affirmatively avers that she has at all times provided the Plaintiff quality healthcare which meets and exceeds the standard of care required of nurses in Alabama.
- b. This Defendant generally denies all allegations in the complaint, demands strict proof thereof, and denies that the Plaintiff is entitled to any relief.
- c. This Defendant avers that the Plaintiff's complaint fails to state a cause of

action against this Defendant upon which relief can be granted.

d. This Defendant pleads the general issue and denies any allegations not specifically denied.

e. This Defendant is not the correct party in interest.

f. This Defendant pleads qualified immunity.

g. This Defendant reserves the right to amend these defenses as allowed by the Court.

### **Conclusion**

Plaintiff cannot succeed on any claim against this Defendant.

Respectfully submitted this the 14<sup>th</sup> day of May, 2008.

/s/ Wayne P. Turner

Attorney for Defendant Moates

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### **OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this 14<sup>th</sup> day of May, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the parties and/or have mailed a hard copy via US Mail, postage prepaid and properly addressed to:

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/s/ Wayne P. Turner  
OF COUNSEL